

RECEIVED & INSPECTED

NOV - 1 2002

FCC - MAILROOM



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 1418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>

FCC 02-296

Released: October 31, 2002

FCC CLARIFIES THAT 911 CALL-FORWARDING RULE DOES NOT PRECLUDE WIRELESS CARRIERS FROM BLOCKING FRAUDULENT 911 CALLS FROM NON-SERVICE INITIALIZED PHONES PURSUANT TO STATE AND LOCAL LAW

CC Docket No. 94-102

This Public Notice clarifies that Section 20.18(b) of the Commission's rules,¹ which requires mobile wireless carriers² to forward all wireless 911 calls to Public Safety Answering Points (PSAPs) without respect to the call validation process, does not preclude these carriers from blocking fraudulent 911 calls from non-service initialized phones³ pursuant to applicable state and local law enforcement procedures.

On May 31, 2002, the National Emergency Number Association (NENA), together with the Association of Public Safety Communications Officials International (APCO) and the National Association of State Nine One One Administrators (NASNA), submitted a letter that illustrated the disruption to 911 services that can be caused by harassing, abusive, or prank calls.⁴ In

¹ 47 C.F.R. § 20.18(b).

² Wireless carriers subject to Section 20.18 are Broadband Personal Communications Services (part 24, subpart E of this chapter), Cellular Radio Telephone Service (part 22, subpart H of this chapter), and Geographic Area Specialized Mobile Radio Services and Incumbent Wide Area SMR Licensees in the 800 MHz and 900 MHz bands (included in part 90, subpart S of this chapter). Service providers in these enumerated services are subject to section 20.18 solely to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. See 47 C.F.R. §§ 20.18(a), 20.18(b).

³ Non-service initialized wireless mobile telephones (NSI phones) are phones that are not registered for service with any Commercial Mobile Radio Service (CMRS) carrier.

⁴ Letter from James R. Hobson, Counsel for NENA, to Marlene H. Dortch, Secretary, FCC, CC Docket 94-102, filed May 31, 2002 (*May 31, 2002 Letter*).

particular, the letter highlights the waste of public safety resources that results from fraudulent 911 calls made from **NSI** handsets, which lack a call back number.⁵ For example, in Minneapolis, Minnesota, 658 emergency calls were made from a non-initialized phone over a two and a half week period, with the ensuing investigation taking approximately 150 hours of law enforcement time.⁶ The public safety agencies' letter emphasizes that in this example and others, the wireless carrier declined to block 911 calls from the **NSI** handset identified as transmitting the harassing calls, citing the Commission's rule requiring all wireless 911 calls to be forwarded to PSAPs without respect to the call validation process.

The underlying purpose of the Commission's adoption of the 911 call forwarding requirement in Section 20.18(b) is to ensure that any person who attempts to place a 911 call through the facilities of a mobile wireless carrier will not be subject to any call validation procedures that could delay or obstruct the delivery of the 911 call to a **PSAP**.⁷ In adopting the rule, the Commission particularly focused on the impact that the screening of 911 calls through the validation process would have on roamers making 911 calls from areas where there is no service agreement between the serving and home carriers.⁸ The Commission also recognized, though, that while carriers have the obligation to forward all wireless 911 calls to PSAPs without respect to the call validation process, PSAPs will play an important role in monitoring incoming calls and initiating efforts to guard against fraudulent use of the 911 system⁹

Consistent with this approach, pursuant to the request by **NENA**, **APCO**, and **NASNA**, we clarify that Section 20.18(b) of the Commission's rules does not preclude carriers from complying with a **PSAP**'s request to block harassing calls from non-service initialized phones pursuant to applicable state and local law enforcement procedures. The Commission's determination to require the forwarding of all wireless 911 calls without regard to the caller's service subscription status was intended to enable authentic emergency calls, not fraudulent or abusive calls. Where a **PSAP** has identified a handset that is transmitting fraudulent 911 calls and makes a request to a wireless carrier to block 911 calls from that handset in accordance with applicable state and local law enforcement procedures, the carrier's compliance does not constitute a violation of Section 20.18(b).

This *Public Notice* can be downloaded in Text and ASCII formats at: <http://www.fcc.gov> — . For further information, contact Stan Wiggins, Policy Division, Wireless Telecommunications

⁵ An NSI phone lacks a dialable number because carriers generally assign a dialable number to a handset only when a customer enters into a service contract.

⁶ *May 31, 2002 Letter* at 2.

⁷ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676, 18692-99, paras. 29-46 (1996) (*E911 First R&O*); *Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22679-22685, paras. 25-41 (1997) (*E911 MO&O*).

⁸ See *E911 MO&O*, 12 FCC Rcd at 22682-83, para. 34.

⁹ See *id.* at 22684, para. 37.

Bureau, at (202) 418-1310, or Won Kim, Policy Division, Wireless Telecommunications Bureau. at (202)418-1368.

Action by the Commission on October **29**, 2002: Chairman Powell; Commissioners Abemathy, Copps and Martin. Commissioner Martin issuing a separate statement.

-FCC-

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J . MARTIN**

Re: FCC Clarifies That 911 Call-Forwarding Rule Does Not Preclude Wireless Carriers From Blocking Fraudulent 911 Calls From Non-Service Initialized Phones Pursuant to State and Local Law, Public Notice, CC Docket No. 94-102

I write separately to emphasize my support for this public notice, which makes clear that the Commission's rules in no way preclude Public Safety Answering Points (PSAPs) and carriers from blocking harassing wireless 911 calls from non-initialized phones. Harassing 911 calls from non-initialized phones are a significant problem for PSAPs, causing disruptions to emergency telephone services and a waste of public safety resources. Such calls have been a source of real concern for public safety officials. For example, in my home state of North Carolina, a non-initialized wireless phone made over 3600 harassing 911 calls from December of 2001 to January of 2002. *See* Letter from James R. Hobson to Marlene H. Dortch at 3, CC No. 94-102 (May 31, 2002). The wireless carrier believed it was unable to block the calls based on its understanding of the Commission's rules. *See id* This public notice should put an end to such confusion and make clear that PSAPs and carriers may block harassing 911 calls pursuant to state and local law. I am pleased that the Commission has addressed the issue, and I strongly support the Commission's efforts to help public safety officials focus their resources on true emergencies.